

LOUISVILLE METRO COUNCIL COMMITTEE SUMMARY

Planning/Zoning, Land Design & Development Meeting
Tuesday, March 13, 2007
2:05 P.M.
Third Floor, City Hall

Present:
Chair: CM Owen
Vice Chair: CM Stuckel
Members: CM Heiner, CM Flood, CM King (arrived at 2:18) and CM Hamilton

Also Present: CM Benson

Absent: CM Raque-Adams (Excused)

Special Items for Discussion: Review of Zoning Committee Procedures

Chairman Owen announced the members and non-members of the committee that were present. A quorum was established.

AGENDA

[O-43-03-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 9202R LYNEVE DRIVE, CONTAINING 6.24 ACRES, AND BEING IN LOUISVILLE METRO \(DOCKET NO. 9-22-06\).](#)

Motion to Approve was made by Glen Stuckel and seconded by Cheri Bryant Hamilton.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on February 1, 2007. Two spoke in opposition and one spoke neither for nor against. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Hawkins' District. The proposed use is for retail and medical offices. A power point presentation was given. The following were items of discussion and concern:

- 2 single story structures
- Dumpster behind the building and dumping of the dumpsters
- Parking
- Landscaping and screening
- Protection of Tree Canopy
- Dedication of right-of-way but not being constructed at this time
- Sidewalks
- Restriction of uses
- Access
- Retaining wall
- Installation of Berm
- Wetlands
- Credit for being on Public Transportation Line
- Awnings
- Idling of trucks

By unanimous vote, this item was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood
Against: (None)
Abstain: (None)
Absent: Julie Raque Adams

[O-47-03-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO R-7 MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 3028 HIKES LANE, CONTAINING 1.36 ACRES, AND BEING IN LOUISVILLE METRO \(DOCKET NO. 9-62-06VW\).](#)

Motion to Approve was made by Jim King and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on February 1, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Kramer's District. The proposed use is for Senior Housing. A power point presentation was given. The following were items of discussion and concern:

- 2 historic features - Hikes House and Hikes cemetery
- Multi-family Senior Housing
- Dedication of right-of-way
- Boarding area for TARC
- Sidewalks
- Parking
- Cross access and easements for connectivity
- 38 dwelling units
- Structure elevations are compatible with surroundings
- Floyds Fork creek bank

By unanimous vote, this item was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams

[O-46-03-07 AN ORDINANCE CHANGING THE ZONING FROM R-6 MULTI-FAMILY RESIDENTIAL AND C-1 COMMERCIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 4330 CRITTENDEN DRIVE, CONTAINING 5.17 ACRES, AND BEING IN LOUISVILLE METRO \(DOCKET NO. 9-64-06\).](#)

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on February 1, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Johnson's District. The proposed use is for Budget Car Rental. A power point presentation was given. The following were items of discussion and concern:

- Bringing existing rental car business site into compliance - no longer under Airport Authority
- No proposed changes on the site
- Has appropriate access and adequate infrastructure
- Landscaping
- Time frame for landscaping plan to be given to Planning and Design Services

Theresa Senninger, Assistant County Attorney, spoke stating a time frame for landscaping to be finished would be appropriate. She asked that the Committee table this item so the staff Landscape Architect could be contacted to find out what she believes would be a reasonable time frame and to also speak with the Applicant.

Motion to Table was made by Hal Heiner and seconded by Jim King.

By unanimous vote, this item was **Tabled**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams

[O-25-02-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO R-5A MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 1400 ENGLISH STATION ROAD AND 12201 AVOCA ROAD, CONTAINING 25.16 ACRES, AND BEING IN LOUISVILLE METRO \(DOCKET NO. 9-18-06\).](#)

Motion to Untable was made by Glen Stuckel and seconded by Cheri Hamilton. By unanimous vote, this item was untabled.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams

Discussion: Dawn Warrick, DPDS, spoke to the item. There were three public hearings on this case. The first Planning Commission hearing was held on November 2, 2006. No one spoke in opposition and one spoke neither for nor against. The second Planning Commission hearing was held on December 7, 2006. The applicant requested, and was granted, a continuance until January 18, 2007. The third Planning Commission hearing was held on January 18, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Heiner's District. The proposed use is for Multi-Family Residential.

Motion to Amend this item by adding the following two binding elements was made by Hal Heiner and seconded by Cheri Bryant Hamilton.

- 16. The developer shall grant an easement to MSD for future on-site sewer and drainage infrastructure. The location of the easement shall be determined by MSD and shall be granted at such time as that agency requests it.
- 17. The developer shall coordinate with the Kentucky Transportation Cabinet and Metro Public Works to ensure that the location of the proposed force-main sewer lines shall not interfere with future plans to widen North English Station Road.

By unanimous vote, the amendment passed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams

Motion to Approve as amended was made by Glen Stuckel and seconded by Cheri Bryant Hamilton.

By unanimous vote, this item as amended was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams

Special Items for Discussion: Review of Zoning Committee Procedures

Current Procedures were handed out. ([attached](#))

CM Flood spoke giving a brief history of current procedures. The following was discussed:

- Addition of binding elements - Developer was able to answer if he agreed or not
- If applicant's attorney speaks then a representative of the neighborhood should also get to speak
- Do not want to give the appearance of stepping over the ex parte line
- The procedures that are in place have the County Attorney's approval

- Any changes that may be made will have the County Attorney's approval
- There should be no discussion that is not already in the record
- Suggestion - If binding element is made the Council member, the member should get with the County Attorney and Co Attorney should get with developer **before** it is introduced to the Committee
- A lot of the suggestions made during previous discussion was not for this Committee but for the Planning Commission
- Public Neighborhood Meetings
- May not be enough time to recommend binding element before the meeting
- Possible tabling at meeting if a Binding Element is to be added
- Possible caveat at meeting regarding an added binding element
- Legal ramifications if the developer is not asked to say yes or no
 - Unclear in Kentucky law
- Economic impact to developer - should be able to say yes or no
- 90 day rule - this Committee should rule before 90 days
- Planning Commission does not approve or deny a zoning change, they recommend - The legislative body decides
- When adding binding elements - should the committee ask if anyone is opposed
- Public Hearings are before the Planning Commission not the Planning and Zoning Committee or the Metro Council
- Notifications

CM King and CM Hamilton left at 3:20 p.m.

- Residents thinking they are not getting heard
- Some things need to be done in sequence and in a logical manner
- Zoning can be overturned if you have findings of fact and 14 votes to agree

Theresa Senninger, Assistant County Attorney, will draft additional guidelines for the next meeting.

Steve Porter, a Representative for neighborhood groups, spoke regarding the following:

- No new evidence or new witnesses
- Responding to new binding elements
- Equal responding time between Developers and Opposition

Glenn Price, Attorney with Frost Brown & Todd, spoke regarding the following:

- Metro Council can't make everyone happy
- Appropriate to have a guideline not a rule
- Impose common sense on what is reasonable

Bill Bardenwerper, Attorney with Bardenwerper Talbott and Roberts, spoke regarding the following:

- Is a binding element new evidence or not
 - Usually something is in the record or on the plan
- Definition of Development Plan Jurisdiction regarding binding elements

Motion to Adjourn was made by Hal Heiner and seconded by Glen Stuckel.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting March 22, 2007.**

The meeting adjourned at 3:45 p.m. without objection.

KQG